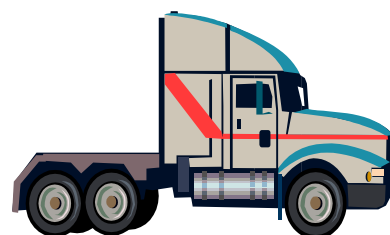
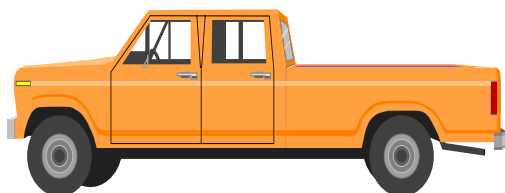

New Jersey
Solid & Hazardous Waste *Transporters*
Quick Access Guide Book
2005 – 2007



Division of Solid & Hazardous Waste

Site Remediation and Waste Management Program
New Jersey Department of Environmental Protection

**New Jersey Transporter Registration
Department of Environmental
Protection**

Division of Solid & Hazardous Waste

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Bradley M. Campbell
Commissioner

August 31, 2005

Dear Waste Transporters:

Please note that our *New Jersey Solid & Hazardous Waste Transporters' Quick Access Guide Book 2005-2007* is "Red" to match your decals. As you may know, all of our Quick Access Guide Books have been designed to quickly guide you through the regulatory requirements for solid and hazardous waste transportation in the State of New Jersey.

In addition to the waste transporter regulations, waste transporters should be in compliance with other applicable regulations. Therefore, an effort has been made to bring some of the applicable regulations to your attention with additions being incorporated throughout the book. This year, the "Red book" identifies these recent additions by using bold brackets [] within the Rule Summary and Quick Reference Sections of this book. For periodic updates and public access to our databases, kindly refer to our web site at "www.state.nj.us/dep/dshw/hwr/index.htm".

I hope our "Red" *Quick Access Guide Book* will continue to provide you with regulatory assistance. This is our fourth publication of the book; and as always, we welcome any suggestions or recommendations that may improve the book's contents and format.

Those members of the regulatory community, who are in the waste transporting business were kind enough to take time out from their busy schedules to write and/or call to let us know how helpful our Books have been; and we thank you for that feedback. My staff and I believe our technical *Quick Access Guide Books* have been a great success only because they continue to be prepared and published especially with YOU in mind!

Sincerely,

Norine Binder, Director
Division of Solid and Hazardous Waste Regulation
Site Remediation and Waste Management Program



Quick Rule Summary

Rules and Amendments to N.J.A.C. 7:26 for Solid Waste (SW) and Hazardous Waste (HW) Transporters; respectively:

N.J.A.C. 7:26-1.1(a)9; 1.4; 2.11(c); 3.2(a) and (f); 3.3(a)2; 3.4(h); 3.5(f) and (h)2; 3A.21(g); 4.4(a)-(g); [6.12(b)], 16.1(c); 16.6(k); [7:26A-1.3, 6.6, 7.4 and 8.1]; 7:26G-3.3 (g), [7.4(f)]; and [7:26H-4.4(a)6]

SW/HW Regulation: Terms, Rules & Amendments

- 1). What is a "small vehicle transfer area"; and how is it exempt?.....N.J.A.C. 7:26-1.1(a)9; 1.4
- 2). What is meant by “gross vehicle weight ”N.J.A.C. 7:26-1.4
- 3). What is a “solid waste transport unit”.....N.J.A.C. 7:26-1.4; 3.2(a)
- 4). Solid waste transporters hauling solid waste to an in-state disposal site are required to complete the Origin and Destination (O and D) Form ***prior to transporting*** the waste.N.J.A.C. 7:26-3.5(h)2
- 5). For homeowners who are transporting their ***own*** solid waste, the ***weight limitation*** for their ***exempt single-unit vehicles*** is 9,000 poundsN.J.A.C. 7:26-3.3(a)2
- 6). For homeowners who are transporting their ***own*** solid waste, there is a ***weight limitation*** of 16,000 pounds for ***combinations*** of exempt vehicles (i.e. vehicles *pulling* trailers)N.J.A.C. 7:26-3.3(a)2
- 7). A designated “secure area” for ***manual*** unloading of *exempt* and/or *commercial* waste ***vehicles*** on facility property.....N.J.A.C. 7:26-2.11(c)
- 8). ***Intermodal containers*** used to transport solid waste ***solely by rail***, are ***exempt*** from displaying a solid waste decal, registration number, and registered company name but, these containers must still be registered with Department and associated fees must be paid.....N.J.A.C. 7:26-3.2; 3.4(h); 3.5(f); and 4.4(g) respectively.
- 9). All ***prime contractors*** and ***subcontractors*** are subject to regulation under the statutory ***registration requirements*** of N.J.S.A. 13:1E-1 and N.J.S.A. 13:1E-126 ***et seq.***; and licensing and revocation requirementsN.J.A.C. 7:26-16.1(c)
- 10). ***Small transporting companies*** that have ten (10) or less ***leased*** solid or hazardous waste ***vehicles and/or operators*** in their ***total*** fleet shall be ***exempt*** from filing an additional business concern disclosure statement if these leased vehicles are ***from a single lessor***. Therefore, they are exempt from the 20% threshold requirements under N.J.A.C. 7:26-16.6(i) and (j).....N.J.A.C. 7:26-16.6(k)

[11). *Solid Waste Transporters operating in compliance with District Solid Waste Management Plans* or County Plans N.J.A.C. 7:26-6.12(b)]

[12). Placing or *parking roll-off dumpsters or roll-off containers on roadways* or along any highway or public property N.J.S.A. 27:5I-1]

[12). Requirements for the **collection, mixing** (commingling), **and transportation of recyclable materials**....N.J.A.C. 7:26H-4.4(a)6, 7:26A-8.1 and N.J.S.A. 13:1E-99.16]

SW/HW Registration: Terms, Rules & Amendments

1). The solid and hazardous waste *transporters' vehicle registration period* is "**biennial**" and runs from July 1st through June 30thN.J.A.C. 7:26-3.2(a)

2). The waste transporter's *due date for submitting* vehicle registration **updates** and associated **fees** is May 1stN.J.A.C. 7:26-3.2(f)

3). Solid waste **generators** who are required to file an Annual Generator Report, may **file** the report **electronically** via an Internet web siteN.J.A.C. 7:26-3A.21(g)

[4). Solid waste **transporter vehicle registration** and **fees** are **biennial (for 2 years)** for solid waste cab, trailer and single vehicle].....N.J.A.C. 7:26-4.4(c)-(g)

[5). Hazardous waste **transporter vehicle registration** is **biennial (for 2 years)** for the hazardous waste cab, trailer and single-unit vehicle along with a **proposed annual fee**].....N.J.A.C. 7:26G-3.3(g)

6). Five-year Registration period and prorated rates for **Public entities'** decalsN.J.A.C. 7:26-3.2(a); 4.4(a) and (b)

7). Two-year Registration period for commercial and A-901 *Exempt* waste transporters' decalsN.J.A.C. 7:26-3.2(a); 4.4(a) and (b)

8). [The **New Jersey Motor Vehicle Commission** has determined that A-901 *Exempt* waste Transporters having "passenger plates" on their trucks will be viewed as operating "Non-commercial trucks"; and therefore, A-901 *Exempt* waste Transporters may not use their "Non-commercial trucks" with "passenger plates" for any type of "commercial" transportation of wasteN.J.A.C. 7:26-3.2(a)6; N.J.S.A. 39:3-8.1 and 39:3-20].



Quick Reference

Solid Waste (SW) Transporters N.J.A.C. [7:26-1.1; 1.4]; 7:26-1.6; [7:26-1.8]; 7:26-2.11(c); 2.13(a)6 and (e) 1; 7:26-3.1-3.8; 7:26-3A.1-3A.48; 7:26-16.1-16.24; 7:26-16A.1-16A.3

Page

SW Regulation

1). What is a "small vehicle transfer area"?	1
a). Definition	
b). Conditions for exemption from regulation	
2). What is meant by "Gross vehicle Weight"	1
3). What is a "solid waste transport unit"	2
4). Transporters hauling solid waste to an in-state disposal site are required to complete the Origin and Destination (O and D) Form <i>prior</i> to <u>transporting</u> the waste.	2
5). The <i>weight limitation</i> for exempt <u>single-unit vehicles</u> carrying homeowners' own solid waste...	3
6). The <i>weight limitation</i> for <u>combinations</u> of <i>vehicles</i> carrying homeowners' own solid waste	3
7). Applicability of Exemptions and Conditions under N.J.A.C. 7:26-3.3(a)2.....	4
8). Solid waste prime contractors and subcontractors are subject to regulation under statutory registration requirements and licensing requirements.....	4
9). Small transporting companies with ten (10) or less <i>leased</i> waste vehicles and/or operators in their <u>total</u> fleet (from a single Lessor) are exempt from 20% threshold requirements.....	5
When are "solid waste" transporters regulated; and when are they <u>not</u> regulated?.....	5
10). What is a "solid waste"?	6
11). What "waste types" may a solid waste transporter haul?	6
12). Two regulatory categories of Solid Waste haulers	7
- A-901 <i>Exempt</i> Solid Waste haulers	
- A-901 <i>Licensed</i> Solid Waste haulers	

SW Registration:

1). Why and when does a Solid Waste transporter register vehicles?.....	9
a). Transporter vehicle registration period.....	10
[b). Commercial and Non-Commercial <i>Medical Waste Transporters’ fees</i>.....	10]
c). Vehicle registration <i>due dates</i>	10-18
d). Solid waste vehicle types and associated <i>fees</i>	19
e). Issuance of <i>ONE Single</i> Solid waste vehicle <i>decal</i> and its placement	13, 19
f). Lease certification requirements	20
[g). Five-year Registration Period and <i>prorated fees</i> for <i>Public Entities</i>	21]

Additional Solid Waste Requirements

In addition to Registration, what other requirements regulate Solid Waste Transporters?

1). Operational Requirements for solid waste facilities.....N.J.A.C. 7:26-2.11(c)	
a). A designated “secure area” for manual unloading of <i>exempt</i> and/or <i>commercial</i> solid waste vehicles on facility property.....	22
b). Non-entry of unregistered solid waste vehicles	
2). Septic Waste Transporters N.J.S.A. 48:13A-4.1; N.J.A.C.7:26-1.8(b)	
a). Applicability	22
[3). <i>Solid Waste Transporters operating in compliance with</i> District <i>Solid Waste Management Plans</i> or County Plans.....	N.J.A.C. 7:26-6.12(b)
a). Applicability	22]
[4). <i>Parking of Roll-Off Dumpsters</i> or Roll-Off Containers	N.J.S.A. 27:5I-1..... 22]
5). Intermodal containers used to transport solid waste <i>solely by rail</i> , are <u>exempt</u> from displaying a solid waste decal, registration number, and registered company name.....N.J.A.C. 7:26-3.5(f) and 4.4(g).....	24
[6). <i>A-901 Exempt</i> waste Transporters with “passenger plates”..	N.J.A.C. 7:26-3.2(a)6;
N.J.S.A. 39:3-8.1 and 39:3-20	25]

[7). A-901 Exempt waste Transporters operating in compliance with the New Contractors' Registration Act (P.L. 2004, Chapter 16 c.56:8-136 to c.56:8-152) and applicability under the New Home Warranty and Builders' Registration Act (N.J.S.A. 46:3B-1 et seq.).....	26]
---	-----

[8). Regulation of Recyclable Materials:

a). What are the regulations governing recyclable material collection?	27
b). Do haulers of recyclable materials need to register their vehicles with DEP? N.J.A.C. 7:26A-1.3, 6.6 and 7.4	27
c). Can solid waste be mixed with recyclable materials for transport? N.J.A.C. 7:26H-4.4(a)6 and N.J.S.A. 13:1E-99.16	27
d). What are the reporting requirements for the transport of recyclable materials? N.J.A.C. 7:26A-8.1	27]



Additional Solid Waste Requirements and DEP Contact Person

Regulations for out-of-state waste hauled from a county that has no in-county weighing facility	N.J.A.C. 7:26-3.5(e) and (f)	28
Used Oil Transporters under Recycling Rules	N.J.A.C. 7:26A-1.3 and 6.6.....	28
[Medical Waste Regulations.....	N.J.A.C. 7:26-3A.8(b); 7:26-3A.16; 7:26-3A.27-37] ...	28
Solid Waste Utility Control Act & rules for a (CPCN) .	N.J.S.A. 48:13-1 <u>et seq.</u>	28
Asbestos/asbestos containing waste	N.J.A.C. 7:26-3.5(d).....	28
Universal Waste Transporters under Recycling Rules ..	N.J.A.C. 7:26A-1.3 and 7.4.....	28



Quick Reference

Hazardous Waste (HW) Transporters N.J.A.C. 7:26G-4.2; 7:26G-3.3(g); 7:26G-5.1-5.4; 7:26G-6.1-6.3; 7:26G-7.1-7.4; 7:26G-16.1-16.12

	<u>Page</u>
<u>HW Regulation</u>	29

When does a "hazardous waste" transporter become regulated in the State of New Jersey?

- | | |
|--|----|
| 1). What is a "hazardous waste"? | 29 |
| 2). What requirements and "waste codes" apply to transporters of hazardous waste ? | 29 |
| 3). Two regulatory categories of Hazardous Waste haulers | 30 |
| - A-901 Exempt Hazardous Waste haulers | |
| - A-901 Licensed Hazardous Waste haulers | |

<u>HW Registration</u>	32
-------------------------------------	----

Fees and Registration for Hazardous Waste Transporters

- | | |
|---|-----|
| [1). <i>New proposed Fee schedule</i> | 32] |
| [2). Vehicle Registration and Issuance of Decals..... | 32] |
| [3). Biennial Registration Period and <i>proposed</i> Annual Fee..... | 33] |
| 4). Single hazardous waste vehicle decal placement | 34 |
| 5). Lease certification requirements | 35 |

<u>Additional Hazardous Waste Requirements and DEP Contact Person</u>	36
--	----

In addition to Registration, what other requirements regulate Hazardous Waste Transporters?

- | | |
|--|-------------------------------------|
| 1). Filing "Manifest" Forms | N.J.A.C. 7:26G-6.2, 7.1 and 7.3 |
| 2). Filing "Motor Carrier Policies of Insurance for Public Liability" (MCS-90) Form | |
| 3). Statutory requirements if transporting "precious metals" to a hazardous waste facility | N.J.S.A. 13:IE-127g(5) |
| 4). Hazardous Waste Classifications | N.J.A.C. 7:26G-6.2 |
| 5). Hazardous Waste Prime Contractors & Subcontractors..... | N.J.A.C. 7:26G-4.2; and 7.2(a)14,15 |

What is a "small vehicle transfer area"?

N.J.A.C. 7:26-1.1(a)9 and 1.4

A small vehicle transfer area is defined as any location where solid waste is transferred from a small collection vehicle (not exceeding 16,000 pounds gross vehicle weight) to a large registered solid waste vehicle or container. And, this transfer vehicle operation area was created because, the public roadway or private driveway where the waste was generated was too narrow for the larger vehicle to gain access.

There are five (5) conditions that must be met ***before*** the transfer operations can be exempt from regulations by the Department. These five conditions are as follows:

- 1). The small vehicle transfer area must have approval from the municipality in which they are located;
- 2). Operators of the transfer area must notify the Department in writing and the appropriate county health department;
- 3). All waste collected at this area must be removed by the end of each operating day or next day if waste collection is on a weekend or holiday;
- 4). The waste received in the area cannot be sorted, separated, processed or handled in any way other than a direct transfer from the smaller vehicle to the larger registered vehicle (i.e. the waste may not touch the ground in any way); and
- 5). The transfer operations cannot produce odors, litter, dust or any other negative effects to the environment.

Only when **ALL** five (5) of the above conditions have been met will an operator of a small vehicle transfer area be exempt from regulation by the Department. And, this exemption does not apply to hazardous waste or medical waste.

What is meant by "gross vehicle weight" ?

N.J.A.C. 7:26-1.4 and 3.3(a)2

A gross vehicle weight is the weight of a single-unit vehicle or the weight of a combination of vehicles, including the load or contents. Regulation and registration are based upon the gross weight of all vehicles in any combination of vehicles. In the Motor Vehicle provisions, set forth under sections 39:3-20 of the "Motor Vehicles and Traffic Laws", the Act states that for the purpose of registering vehicles, "gross weight" means the weight of the vehicle or combination of vehicles, including the load or contents. Therefore, the Department's interpretation of gross vehicle weight is intended to work with the Motor Vehicle provisions.

What is a "solid waste transport unit"?

N.J.A.C. 7:26-1.4 and 3.2(a)

A solid waste transport unit means “any portable non-powered device that is used to contain and transport solid waste (excluding hazardous waste) off-site or to a solid waste facility”. The Department added this term in order to be consistent with our hazardous waste regulations; and to provide a term that could be used to basically describe all types of waste carrying units such as, solid waste containers, railcars, trailer tanks, etc.. Therefore, a solid waste transport unit would include, but is not limited to dumpsters, hoppers, solid waste roll-off containers, barges, trailer boxes/vans, trailer dumps, and trailer vacs.

Do solid waste transporters have to complete the Origin and Destination (O & D) Forms before transporting their waste?

N.J.A.C. 7:26-3.5(h)2

Solid waste transporters hauling solid waste to an in-state disposal site are required to complete the Origin and Destination (O and D) Form ***prior to transporting*** the waste. Please note that this is much different than in the past where the transporter did not have to complete the O & D Form until after they arrived at the in-state disposal site.

This change has been made because the Department has discovered that the manifest document required by the Department of Transportation (DOT) lacks the information needed for the Department’s investigations regarding registration by subcontractors and their leasing of transporting vehicles. In addition, a solid waste transporter should know where the waste originated and the appropriate disposal site before transporting said waste. Therefore, to ensure the accuracy of this type of information, the transporter is now required to complete and sign this Form ***before*** transporting the waste to its designated disposal site. [**Note:** A copy of the O & D Form is in the back of book]



Complete
Your
O & D
Form

BEFORE



What is the weight limitation for an exempt single-unit vehicle carrying a homeowner's own solid waste?

N.J.A.C. 7:26-3.3(a)2

For homeowners who are transporting their *own* solid waste, there has been an ***increase in the weight limitation*** for their ***exempt single-unit vehicles*** from 8,000 pounds to 9,000 pounds. This increase of 1,000 pounds was necessary because the general public had informed the Department that there were many non-commercial passenger vehicles being used to transport household waste in trailers over the previous 8,000-pound weight limit. Therefore, since the intent of the regulation has always been not to register and decal this type of homeowner activity, the Department increased the weight limitation so that the homeowners, who are transporting only their own solid waste, could continue to be exempt from regulation by the Department.

According to the above regulations, persons can be exempt from solid waste registration if they are transporting only ***their own solid waste*** in single vehicles registered with a State Motor Vehicles Agency having a maximum gross vehicle weight of 9,000 pounds. So, the gross weight for a homeowner's **single** vehicle can never **exceed 9,000 pounds** without being in violation of the Department rules.

Even if a truck is registered with the "combined" weight of the truck, trailer and contents but, upon entry to a facility, the truck is **not pulling a trailer**, then the exemption at 3.3(a)2 would only apply to the **single** truck and its contents; and therefore, **must have a gross weight of 9,000 pounds or less**. If the solid waste transporter's gross vehicle weight for his/her single-unit vehicle exceeds the 9,000 pound weight limit, then the transporter is no longer exempt and would be required to register and pay the associated fees for the vehicle prior to hauling the load.

What is the weight limitation for vehicles pulling other vehicles?

N.J.A.C. 7:26-3.3(a)2

For homeowners, the newly established ***weight limitation*** for **combinations** of vehicles (i.e. vehicles *pulling* trailers) is ***16,000 pounds***. And, persons can be "exempt" from registration ***only*** if they are transporting *their own solid waste* in vehicles registered with a State Motor Vehicles Agency having 16,000 pounds **combined** maximum gross vehicle weight for a vehicle pulling a registered trailer. Therefore, the 16,000-pound maximum gross vehicle weight only applies to **combinations** of vehicles pulling trailers.

Applicability of Exemptions and Conditions

N.J.A.C. 7:26-3.3(a)2

The target population for the exemption applies to homeowners transporting only their own household waste. So, the original intended parties have always been homeowners transporting their own household solid waste.

Small commercial entities are eligible for exemptions from the requirement to obtain a Certificate of Public Convenience and Necessity (CPCN) and full A-901 licensure. And, being exempt from these two requirements provides the small commercial entities substantial economic savings.

Solid Waste Prime Contractors & Subcontractors

N.J.A.C. 7:26-3.2(a)1i and ii; 7:26-16.1(c)

All **prime contractors** and **subcontractors** are subject to regulation under the statutory *registration requirements* of N.J.S.A. 13:1E-1 and N.J.S.A. 13:1E-126 et seq.; and licensing and revocation requirements in the above regulations. Therefore, if **any person** enters into an oral or written agreement with a generator or transporter to collect, process, transfer, store, treat or dispose of solid waste in this State with the requirement that the monies go through that person as the charged party and “overseer” of said solid waste activities, then that person shall be considered a “**Prime Contractor**” of solid waste as per N.J.A.C. 7:26-3.2(a)(1)i. However, if a “Lease agreement” is **solely** for the **leasing** of waste vehicle operators and/or **equipment** to a permittee, licensee, or exempt transporter without any responsibility nor “oversight” in the transportation, storage, collection, processing, transfer, treatment, or disposal of the waste in this State, then said “Lease” agreement shall not be considered a “subcontract” for purposes of N.J.A.C. 7:26-3.2(a)(1)ii; 4 and 5.

In accordance with the aforementioned regulations, any “prime contractor” or “subcontractor” who is managing or disposing of solid waste in New Jersey in the manner described above will be considered “engaging” in solid waste activities. And, therefore, **must** have an approved registration statement that is accompanied by a certified Lease agreement. **Without said approved registration from the Department, the basic operations of a prime contractor or subcontractor shall be in violation of the solid waste regulations cited above.**

Do solid waste transporters who only have ten or less *leased* vehicles in their total fleet still have to file a business concern disclosure statement if the leased vehicles or operators were leased from a single unlicensed Lessor?

N.J.A.C. 7:26-16.6(k)

Small transporting companies that have ten (10) or less leased solid or hazardous waste vehicles and/or operators in their total fleet shall be exempt from filing an additional business concern disclosure statement if these leased vehicles are ***from a single lessor***. And, therefore, they are exempt from the 20% threshold requirements under N.J.A.C. 7:26-16.6(i) and (j).

The Department reviewed the operations of the small transporting companies and determined that the 20% threshold set forth at N.J.A.C. 7:26-16.6(i) and (j) should not apply to these companies because their small involvement in the transporting industry does not pose a significant threat to public safety.

When are "Solid waste transporters" regulated; and when are the transporters not regulated?

N.J.A.C. 7:26-3.3

Solid waste transporters are regulated in the State of New Jersey when they collect and/or dispose of discarded waste from private homes, stores, restaurants, schools, hospitals, private or public buildings, etc.

If a Solid waste transporter is driving "directly" through New Jersey and neither collects nor disposes of waste within our State borders, then the transporter need not be registered under the aforementioned New Jersey solid waste transporter rules and regulations. Driving "directly" through the State means transporter is driving with no stopovers, no dropping off, nor switching of containers while in New Jersey.

If Solid waste transporters transport their *own* household solid waste in a vehicle with general registration plates, transport their ***own*** solid waste in New Jersey DMV registered vehicles identified with a maximum gross weight of 9,000 pounds, or transport used oil from mobile field changing operations, then they are not required to be registered under the solid waste transporter regulations as cited above. It should be noted, however, that a transporter's ***own*** solid waste means *solid waste generated by that transporter and not waste created by a third person*.

What is a "solid waste?"..... N.J.A.C. 7:26-1.6(a); 7:26-2.13(g)

A solid waste is any garbage or refuse such as the following:

municipal solid waste originating from households, stores, hospitals, etc.;

bulky waste such as, appliances, trees, tree trunks, branches, construction, home repair and demolition debris, tires, etc.;

industrial waste resulting from a manufacturing and development process, non-hazardous pesticides, asbestos or asbestos containing waste;

vegetative waste from farms, plant nurseries, crop residues (i.e. leaves or processed tree wastes);

processing waste from canneries, packing plants, etc.;

dry or liquid sewage sludge from sewage treatment plants;

semi-liquids (solid matter suspended in a liquid); or

septic tank clean-out waste pumped from septic tanks and cesspools.

What "waste types" may a solid waste transporter haul?.....N.J.A.C. 7:26-2.13(g)

In order for a solid waste registration application to be approved by the Department, the solid waste transporter is required to identify the waste type that he/she is expected to transport. Each waste type has been assigned a solid waste identification (ID) number. In accordance with the solid waste regulations, a solid waste hauler may transport the following "waste types":

(10) = **Municipal waste** originating from private homes, public or commercial buildings

(12) = **Dry Sewage Sludge Waste** from sewage treatment plants

(13) = **Bulky Waste** which include appliances, trees, wood branches, etc.

(13C) = **Bulky Waste** specifically includes Construction and demolition debris

(23) = **Vegetative Waste** from crop residues, plant nurseries, etc.

(25) = **Processing Waste** originating from animal or food processing plants, etc.

(27) = **Industrial Waste** from research and development or manufacturing process

(27A) = **Asbestos/asbestos containing Waste** as a subcategory of dry industrial waste

(27I) = **Incinerator Ash/ash containing Waste** as a special type of dry industrial waste

(72) = **Semi-Liquid Waste** contained or discharged from any 20 gal . capacity vessel

(74) = **Liquid Sewage Sludge Waste** from sewage treatment plants

Any person engaged in or wishing to engage in the collection and/or transportation of solid waste in the State of New Jersey must identify the aforementioned "waste types" when completing "Section C" of the Department's "Solid & Medical Waste Transporter Registration Application" Form.

In accordance with the solid waste transporter regulations (N.J.A.C. 7:26-3.2), this Application Form is also referred to as the "registration statement". Once the registration statement is approved by the Department, solid waste transporter decals are issued to the transporter who then applies said decals to those vehicles that engage or will continue to engage in the transportation of solid waste in this State. Special Note: No registration statement will be approved by the Department without identification of "waste types" on transporter's application.

In accordance with N.J.A.C. 7:26-16.3(d), there are two regulatory categories of Solid Waste haulers. This distinction is based upon whether or not a solid waste transporter is a government entity, a transporter hauling his/her own self-generated waste, or a transporter hauling solid waste that has been generated by another person. If a solid waste transporter is a government entity or a self-generator of solid waste, then the transporter is "Exempt" from filing "Disclosure Statements" which then exempts the transporter from being subject to the "Solid and Hazardous Waste Licensing" requirements and an "Integrity Review". The solid waste transporters who meet the criteria of being either a government entity or a self-generator are known as "**A-901 Exempt Solid Waste haulers**". These haulers are "exempt" from filing Disclosure Statements: and therefore, they Do NOT receive a license because they are subject to lower regulatory standards than licensed Solid Waste Transporters.

Any solid waste transporter wishing to engage or continue to engage in the collection, transportation, and/or disposal of any solid waste generated by another person(s) must file a Disclosure Statement in accordance with N.J.A.C.7:26-16.3 so that the transporter may obtain a "license" as defined at N.J.A.C. 7:26-16.2. Only those solid waste transporters who have filed their Disclosure Statements, met the Solid Waste Licensing requirements, and passed an Integrity Review by the New Jersey State Police and Attorney General's Office receive an approved "license" to transport solid waste in New Jersey. These haulers have obtained a "license" and therefore are known as "**A-901 Licensed Solid Waste haulers**" because they have been subject to higher regulatory standards than exempt Solid Waste Transporters.

Examples:

1). An Applicant is a general construction contractor who is knocking down interior and exterior walls of existing structures while he/she is remodeling and renovating a building. Since the Applicant/contractor **created** the (13C) construction **waste by his/her own actions**, the Applicant would be a **self-generator** because the **waste originally came from the hauler**. If the Applicant/contractor now wishes to transport this waste to a designated solid waste facility, then the department would classify the Applicant as a **VALID "A901 Exempt Solid Waste hauler"**.

**** Must have *double cross-hatched/striped* A901 EXEMPT Solid Waste Decals displayed**

2). An Applicant is a general construction contractor who only places, his/her solid waste containers on a construction site while allowing **strangers**, other construction workers, and/or non-employees to **create** construction **waste** through their remodeling and renovating of a building on that site. Therefore, the waste ***originally came from strangers***. If Applicant then wishes to come back to the site after a certain period of time to collect and transport the containers of (13C) construction waste which was created by others, then the department would classify the Applicant as NOT being an "exempt" transporter; and therefore, an **Invalid** "**A901 Exempt Solid Waste hauler**". This hauler **must** obtain a "license" to haul any stranger's waste (i.e. waste generated by other persons).

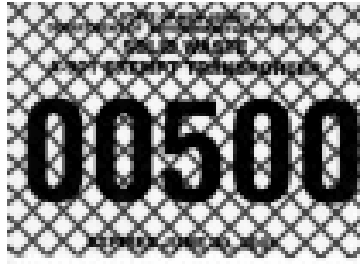
****Must have *solid colored* A901 LICENSED Solid Waste Decals displayed**

Transporters who are in the business of collecting and transporting solid waste but, do not represent a government entity (city/state/federal), must ask themselves the following questions:

First Question:

Did I create this solid waste all by myself? YES or NO

If the answer is YES, **I myself created this waste**, then I am an A-901 EXEMPT Solid Waste Transporter.



I must be displaying the above **double cross-hatched** EXEMPT Solid Waste Decals

Second Question:

Was this solid waste created by another person? YES or NO

If the answer is YES, **another person created this waste** and I am only transporting it (i.e. I have been hired to take the waste to a disposal facility), then I am not an A-901 Exempt Hauler. And, in order to transport this waste, I must be an A-901 LICENSED Hauler.



I must be displaying the above **solid colored** LICENSED Solid Waste Decals

Why and when does a Solid Waste transporter register vehicles?

WHY??

The Department's solid waste transporter registration involves a Registration processing fee, which has been assessed to help defray the costs for an administrative review of all solid waste transporter applications/registration statements and inspection of solid waste vehicles. In addition, the transporter fee allows the Department to oversee, monitor, and investigate all solid waste transporters who are providing solid waste transporting services within the State of New Jersey. And, this ensures that they meet minimum standards of safety and are aware of their obligation to comply with the environmental rules of the State. A solid waste transporter fee is designed to promote the public safety and consumer confidence in the regulated services provided by the particular solid waste transporter. The NJDEP decals are issued after review of the registration statement and payment of the solid waste transporter fee. The solid waste decals which are then displayed on the vehicles and transport units, benefit the transporting companies because these decals represent to the consumer that the transporting company's solid waste vehicle or transport unit is being regulated by the Department. Therefore, the company has met the minimum standards for environmental safety as a valid first class solid waste transporting company. Additionally, solid waste decals allow the consumer to help the Department inspectors identify any hauler who may be illegally dumping waste.

WHEN ??

By May 1, all solid waste transporters must submit to the Department a registration statement updating the information contained in the previous registration statement. [N.J.A.C. 7:26-3.2(d)]. And, unless the transporters are "Exempt", any transporter who files an application for an approved registration statement must also submit an Annual Update "Disclosure Statement" by March 1. [N.J.A.C. 7:26-3.2(b);7:26-16.4].

No transporter can engage or continue to engage in the transportation of solid waste in the State of New Jersey without first obtaining an approved registration statement from the Department. And, any approved transporter application (registration statement) expires at the end of each biennial period. [N.J.A.C. 7:26-3.2(a)].

Any registered solid waste transporter must notify the Department in writing within 30 days of any change in the information supplied on its current registration statement, or on any leases submitted for registered solid waste vehicles, cabs, trailers, containers, single-unit vehicles or transport units, or on any leased operators of equipment. [N.J.A.C. 7:26-3.2 (e)].

CONSEQUENCES ???

Failure to submit payment, an updated registration statement, or an updated disclosure statement before May 1st will be sufficient cause for the Department to **revoke** the solid waste transporter's approved **registration** or **withhold** the solid waste transporter **decals**. [N.J.A.C. 7:26-3.2(f) and 7:26-16]. Therefore, that hauler would be out of business.

What is the vehicle *registration period* and when does it start?

N.J.A.C. 7:26-3.2(a)

The solid and hazardous waste transporters' **vehicle registration period** is a "biennial" period. This **biennial period** runs *from July 1st through June 30th*; which means waste transporters renew their vehicle registrations every TWO years.

The "**biennial**" period for vehicle registration renewals officially started the calendar year *of 2003 ("odd year")*; and continues every TWO years thereafter. This means in 2003, the solid waste transporters and medical waste transporters registered their solid and medical waste vehicles for a two (2) year period. And, they did not renew their vehicle registrations until 2005; and will renew again in 2007.

For example, the Medical Waste Transporter two (2) year registration period will generate the following fees in accordance with N.J.A.C. 7:26-3A.8(b):

Commercial Regulated Medical Waste Transporter Fee ----	\$3,950 x 2 = \$7,900.00
Non-Commercial Medical Waste Transporter Fee -----	\$650 x 2 = \$1,300.00
Non-Commercial Radiopharmaceutical Waste Transporter Fee--	\$200 x 2= \$400.00

What is the solid waste transporter's *due date for submitting* vehicle registration *updates* and associated *fees*?

N.J.A.C. 7:26-3.2(f)

The submittal date is **May 1st**. And, any waste transporters who have not submitted their vehicle registration updates and paid the associated fees **by May 1st**, will become inactive and cannot haul waste.

Vehicle Registration Dates to Remember:

MARCH –

Any **updated disclosure statements** and **fees not received by March 1st** will be sufficient cause for the transporters' approved registration to be revoked. [N.J.A.C. 7:26-3.2(f)].

Week of March 1st

In order to be prepared for the upcoming Registration year, NJDEP mails out vehicle registration applications/statements. [N.J.A.C. 7:26-3.2(a)]

The NJDEP mails the "Solid & Medical Waste Transporter Registration" and the Hazardous Waste Transporter Registration" applications/statements or renewal **Forms and an Invoice to ACTIVE transporters**. Currently "Active" means all registered transporting companies who were and still are in compliance with the solid or hazardous waste regulations and all applicable transporter fees from the preceding registration year.

APRIL -

Week of April 1st

Transporter begins completing ALL Sections of the "Solid & Medical Waste Transporter Registration" or "Hazardous Waste Transporter Registration" **Renewal Form**; Makes any necessary corrections on the **Invoice** (including "Add-on" changes); Makes **Payment** check/money order payable to: Treasurer, State of New Jersey

April 1 - April 30: This time is allocated for transporters to complete all information necessary for an application/Registration statement to be approved by the Department.

* Copies of vehicle registration is required for all vehicles not currently registered with the Division. Do not submit copies of vehicle registration for vehicles already listed on your Renewal Form unless there is a plate change.

* Copies of signed Leased agreements must be included for ALL Leased vehicles/equipment [N.J.A.C. 7:26-3.2(h) & (i)].

SUMMARY of some of the NEW Rule Adoptions: **1).** Penalties may be assessed against a facility that allows entry of *unregistered* solid waste vehicles; and the facility must have a secure segregated area for manual unloading of *exempt* solid waste vehicles. [N.J.A.C. 7:26-2.11(c)]. **2).** A homeowner transporting his/her own household solid waste is exempt from registration when his/her *single-unit* vehicle has a gross vehicle weight that is *less than* 9,000 pounds or when any *combination* of vehicles is *less than* 16,000 pounds. [N.J.A.C. 7:26-3.3(a)2]. **3).** If the *total fleet* of a small licensed transporting company consists of *ten (10) or less vehicles* that are leased from one single unlicensed Lessor, then an A-901 business concern disclosure statement does not have to be filed for or by that Lessor. [N.J.A.C. 7:26-16.6(i) and (j)].

Transporter mails Renewal Form + Invoice + Payment/Check

ALL Together in One Envelope to:

NJDEP - Bureau of Solid and Hazardous Waste Regulation
401 East State Street -P.O. Box 414
Trenton, New Jersey 08625-0414

May 1st FINAL DUE Date for ALL Transporter's vehicle Registrations
N.J.A.C 7:26-3.2(d)

MAY-

After May 1st

Non-registered solid or hazardous waste **transporters** who have **not paid** transporter registration **processing fee** become INACTIVE and **cannot haul waste**.

Any **registrations** that are not renewed and **fees that are not paid by May 1st will be determined expired**. [N.J.A.C. 7:26-3.2(f)].

During the Month of May and June

Registered Transporters should be **receiving** solid or hazardous waste *decals* in the mail.

JUNE 30th

ALL previous NJDEP **decals EXPIRE**

SEPTEMBER and OCTOBER

ALL ***A-901*** **Annual Updates** are **mailed out** by the Department of Law and Public Safety

NOVEMBER 1st

ALL ***A-901*** **Annual Updates** are **due back** from Transporters

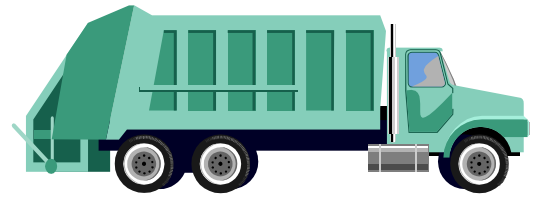
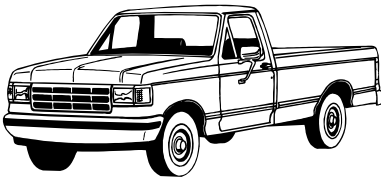
JANUARY

1st --- ***A-901*** **Invoices** are **mailed out** by Department

30th --- ***A-901*** **Invoices** are **due back** from Transporters

Transporter Registration REMINDERS

- Decals will **not** be issued **without the required documentation and ALL applicable fees** (including all A-901 Licensed transporter fees)
- If you are in construction or demolition, then you must present proof of liability insurance and workmen's compensation.
- Copies of any "temporary" vehicle registrations will **not** be accepted
- Add-ons will be by appointment 609.292.7081; or by Mail only
- **Initial A-901 Exemption Interviews** and Applications are scheduled between 9:30 a.m. and 2:30 p.m. Monday through Friday by appointment only 609.292-7081
- There are NO "duplicate" decals. The cost involved in processing an initial decal is the same as the cost for a replacement decal because, each decal is ***unique*** for **each** piece of equipment. Therefore, replacement decals will be charged the full processing fee.
- A responsible company official **must** sign Registration Renewal Form



- **ALL** Decals that are issued during the 2005-2007 Registration period **will expire June 30, 2007**
- There will be only **ONE Decal** issued
- Your **ONE Decal** must be placed on vehicles and equipment **before vehicles and equipment go into service**
- Your ONE Decal must be placed on the DRIVER-SIDE of the vehicle and equipment. This is to allow the decal to be seen by the facility weigh master. [Please refer to pages 19 and 30 for correct placement of the ONE Decal]
- Whether on vehicles or equipment, the **Decal** must be **in plain view** AT ALL TIMES

Registration Fees for **Add-ons** and **NEW** companies will be prorated as follows:

<u>Registration Year</u>	<u>Cab</u>	<u>Trailer</u>	<u>Single-Unit Vehicle</u>	<u>Container</u>
May 2005	\$40.00	\$60.00	\$100.00	\$60.00
May 2006	\$20.00	\$30.00	\$50.00	\$30.00

How does this Chart apply to me as a *NEW* company and/or an Old company *adding on* vehicles or equipment?

Question:

If I have **already paid for my ONE Decal**, and I am currently within any Registration period between 2005-2007, then ***do I have to pay anymore money*** for this decal?

Answers:

NO, if I am **not adding on** vehicles or equipment.

YES, if I am **replacing** any decal that was lost, or can no longer be used.

YES, if I am **adding more vehicles** and/or equipment.



MARCH –

Week of **March 1st**

The **NJDEP mails the** "Solid & Medical Waste Transporter Registration" or "Hazardous Waste Transporter Registration" Renewal **Forms** and an **Invoice** to **ACTIVE** transporters.

March						
<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
	NJDEP normally mails Renewal Forms & Invoices to Transporters	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		
						2005



APRIL -

Week of April 1st

- a.) Transporter begins completing ALL Sections of the transporter Registration Renewal Form;**
- b.) Transporter makes any necessary corrections on the Invoice (including "Add-on" changes);**
- c.) Transporter makes Payment check/money order payable to: Treasurer, State of New Jersey**

April 1 - April 30: This time is allocated for the transporters to **Complete** all of the above steps (a-c).

Transporter mails

Renewal Form + Invoice + Payment/Check

All Together in One Envelope to:

NJDEP - Bureau of Hazardous Waste Regulation

401 East State Street - P.O. Box 414

Trenton, New Jersey 08625-0414

MAY 1st FINAL DUE Date for ALL Transporter's vehicle Registrations and associated fees



April

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
		 Transporters should begin to mail back Renewal Forms and Payment			1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
						2005



MAY -

May 1st

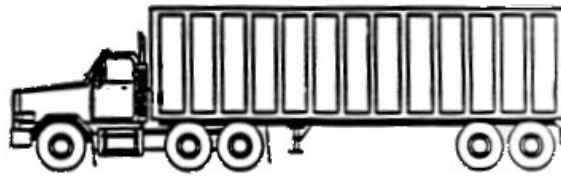
Vehicle **registrations not renewed** and fees **not paid**
by **May 1st** will be determined expired.

May

<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
1 FINAL DUE DATE for All Renewal Forms and Payment	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				
						2005



MAY - JUNE



AFTER May 1st

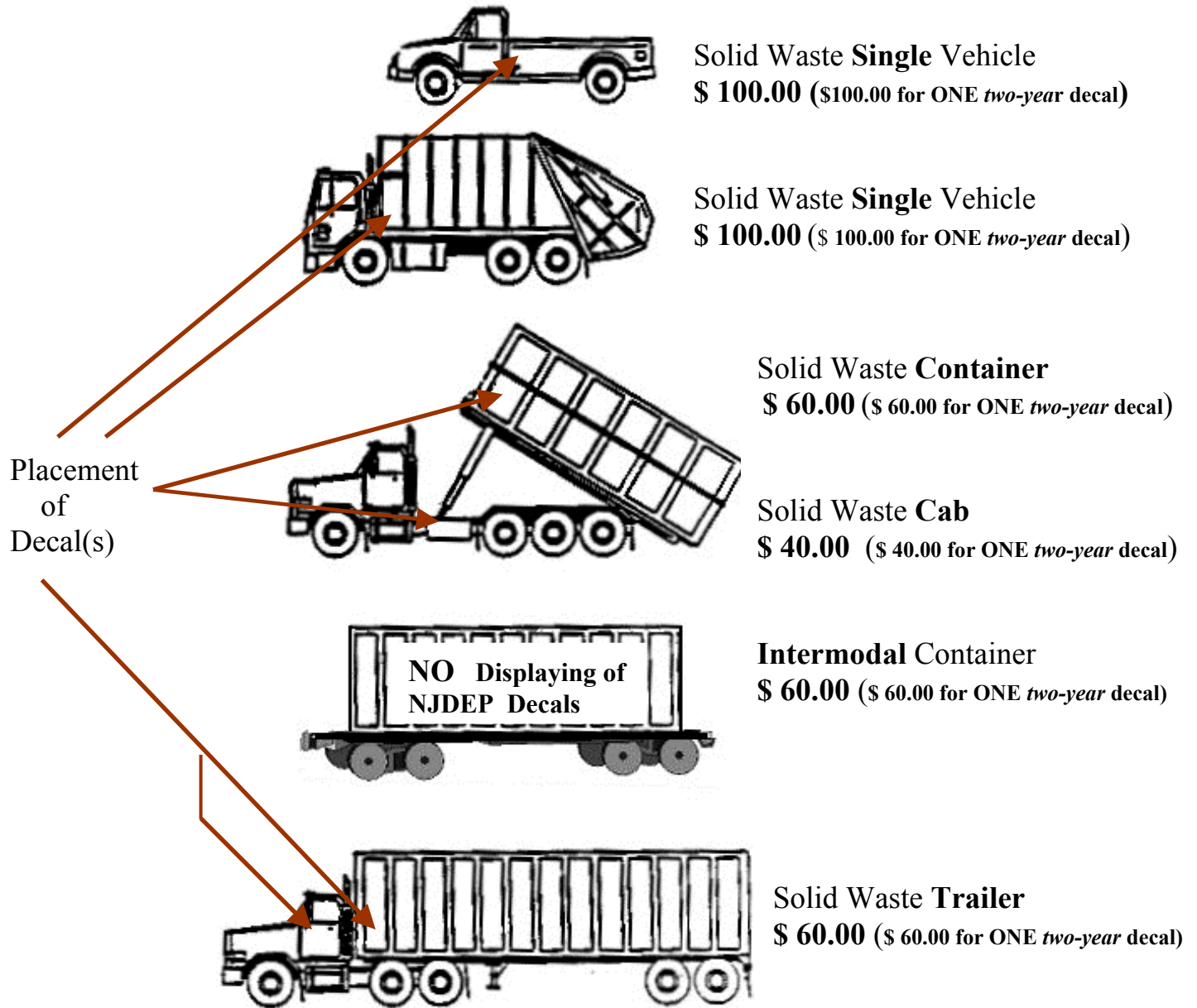
Non-registered solid or hazardous waste **transporters**,
who have **not paid** their transporter registration fee, become
INACTIVE and **cannot haul waste.**

June 30th - ALL NJDEP decals EXPIRE

June						
<i>Sun</i>	<i>Mon</i>	<i>Tue</i>	<i>Wed</i>	<i>Thu</i>	<i>Fri</i>	<i>Sat</i>
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		
				ALL NJDEP Decals EXPIRE		
						2005

What are the Solid Waste Vehicle types and associated fees?

N.J.A.C. 7:26-4.4(c) - (g)



What are the Lease Certification Requirements?

N.J.A.C. 7:26-3.2(h) - (1)

When leasing any equipment or vehicle operators for the transportation of solid waste, **a copy of the Lease Agreement and the "Certification" Form must** accompany the solid waste transporter registration renewal form. For your quick review, a sample of the Department's Certification Form is provided below:

NIPEP Number _____

New Jersey Department of Environmental Protection
Division of Solid and Hazardous Waste - Bureau of Hazardous Waste Regulation

CERTIFICATION

1. I certify that I am the _____ of _____ and I am authorized
TITLE NAME OF LICENSEE, PERMITTEE, OR EXEMPT TRANSPORTER
to make this certification on behalf of _____. And that I have personal knowledge
NAME OF LICENSEE, PERMITTEE, OR EXEMPT TRANSPORTER
of the facts set forth below. N.J.A.C. 7:26-3.2(i)7[i]1 and N.J.A.C. 7:26G-7.2(a) 12.

2. The Lease filed by me as part of the registration statement for the equipment,
Vehicle type _____, VIN/Serial No. _____,

Issued by the State of _____, License Number _____,
contains the true terms of the Lease and has a bona fide business purpose and is not filed with the purpose of preventing the discovery of information
which is included in the NJDEP registration statement: and such equipment is used to transport solid and/or hazardous waste. N.J.A.C. 7:26-
3.2(i)7[i]2 and N.J.A.C. 7:26G-7.2(a)12.

3. I further certify that my company and I understand that it must exercise exclusive use, possession and control over each piece of equipment
which is included in the NJDEP registration statement: and such equipment is used to transport solid and/or hazardous waste. N.J.A.C. 7:26-
3.2(i)7[i]3 and N.J.A.C. 7:26G-7.2(a)12.

4. I further certify that my company and I understand that it must take reasonable measures to ensure that the above described equipment will not ,
during the period of this lease, be used by any other person for the purpose of transporting solid and/or hazardous waste. N.J.A.C. 7:26-3.2(i)7[i]4
and N.J.A.C. 7:26G-7.2(a)12.

5. My company and I understand that the above-described equipment is or will be under exclusive management, direction and control of a
Permittee, Licensee, or Exempt Transporter while being used to conduct solid and/or hazardous waste activities for Permittee, Licensee, or Exempt
Transporter. N.J.A.C. 7:26-3.2(j) and N.J.A.C. 7:26G-7.2(a)13.

6. My company and I understand that for purposes of solid and/or hazardous waste activities and to the extent provided for under New Jersey law,
my company will be responsible for the actions and omissions of their lessors and their vehicle operators, and for selecting lessors and vehicle
operator with appropriate qualifications. N.J.A.C. 7:26-3.2(l).

7. My company and I understand that, when the NJDEP issues decals to Permittee, Licensee, or Exempt transporter for affixation to the solid
and/or hazardous Waste vehicle(s) of a lessor, from which the permittee, licensee, or exempt transporter is leasing solid and/or hazardous waste, the
permittee, licensee, or exempt transporter to which the lessor has leased solid and/or hazardous waste vehicles, and the lessor itself are under
independent obligations to notify the Department, return the NJDEP registration certificate to the Department and remove and destroy the NJDEP
registration number and decals from the solid and/or hazardous waste vehicles of the lessor at the expiration and non-renewal of the lease pursuant to
which decals were issued: and such decals shall be deemed expired. When used for solid and/or hazardous waste transportation purposes, such
vehicles may only be used pursuant to the lease, and in compliance with all requirements of N.J.A.C. 7:26-3.2 and, if used in transporting hazardous
waste. 7.26G-7.2. N.J.A.C. 7:26-3.2(k) and N.J.A.C. 7:26G-7.2(b)6ii..

8. My company and I understand that reasonable measures must be taken to remove and destroy expired decals and registration numbers after the
expiration and non-renewal of the lease: and failure to do so may constitute a violation and may subject both the lessor and the Permittee, Licensee, or
Exempt Transporter to penalties and licensing action. N.J.A.C. 7:26-3.2(k)1 and N.J.A.C. 7:26G-7.2(b)6ii.

9. The TERM of the attached Lease BEGINS at _____ and TERMINATES at _____
TIME, MONTH, DAY, YEAR TIME, MONTH, DAY, YEAR

If usage during the term is intermittent, occasional, or on an "as needed" bases, please explain:

Public Entities: Registration Period and Prorated Fees for Vehicles

A Bill was signed into Public Law (P.L. 2000, Chapter 126) which has allowed "**A-901 Exempt Solid Waste** haulers", who operate as **Public Entities**, to have a five (5) year registration period instead of an annual (one year) registration period. Starting July 1, 2001 and every fifth year thereafter, the *registration period* for Public Entities will run *from July 1st through June 1st*. Therefore, those "Public" Entities (federal/state/agency/county/city) who register vehicles within the **five year period (2006 - 2010) do not renew their registrations** for five years and will have the cost of their **new** solid waste **decals prorated** as follows:

<u>Registration period</u>	<u>Cab</u>	<u>Trailer</u>	<u>Single-Unit Vehicle</u>
2006 – 2007	= \$178.00	= \$178.00	= \$178.00
2007 – 2008	= \$ 80.00	= \$120.00	= \$144.00
2008 – 2009	= \$ 60.00	= \$ 90.00	= \$108.00
2009 – 2010	= \$ 40.00	= \$ 60.00	= \$ 72.00
★ 2005 – 2006	= \$ 20.00	= \$ 30.00	= \$ 36.00

★ = Represents costs if decals are issued during the 2005-2006 registration period

What does this Chart mean? and How does it apply to me as a Public entity?

Question:

If I have **already paid for my decals** and I am currently within any registration period between 2001 and 2006, then ***do I have to pay anymore money*** for these decals?

Answers:

NO, if I am **not** adding on any **more** decals.

YES, if I am **replacing** any decals that were lost, or
for whatever reason, I no longer have them or can no longer use them.

YES, if I am **adding more public vehicles** to my total fleet.

Example:

I am in the calendar year of 2005 and I have already paid for my 10 public vehicle decals, which have the expiration date of June 30, 2006 on them. So, I will not be paying anymore money for these vehicles unless I decide to buy one more public vehicle to ***add on*** to my total fleet. If I brought a **new single-unit vehicle** during this time, then I would pay **\$36.00** for its decal. [See Chart above]. However, after the 2006 expiration date of my decals, if I decide to buy another **single-unit vehicle** during the new 2006-2007 registration period, I would now pay **\$178.00** for the decal [See Chart above] with my total fleet being 12 vehicles during the 2006-2007 registration period.

What other requirements regulate Solid Waste Transporters?

1). Operational Requirements for solid waste facilities

N.J.A.C. 7:26-2.11(c)

The Department has taken an active role in educating solid waste transporters regarding the proper disposal of solid waste. This educational training during the registration process has become a requirement before any initial issuance of decals. Since an “unregistered” solid waste vehicle operator may lack this knowledge, his/her entry onto the facility’s property could increase the risk of environmental harm; and therefore, non-entry of any ***unregistered solid waste vehicles*** would be a matter of public safety and environmental concern for the facility’s personnel to handle.

The new rule for a segregated area was written by the Department in an effort to work in partnership with the solid waste facilities for the public safety of all solid waste transporters. It addresses actual facility operations for which solid waste transporters, who have exempt vehicles, have reported to the Department as being their concerns regarding their safe disposal of solid waste at landfill facilities.

As a regulatory tool to enhance environmental protection and public safety, the segregated area is being offered as a way to actually decrease the risk of harm to the solid waste transporters while they are ***manually*** unloading their vehicles. The rule is designed to protect solid waste transporters from physical harm while on the solid waste facility property.

2). Septic Waste Transporters

N.J.S.A. 48:13A-4.1; N.J.A.C.7:26-1.8(b)

Septic Waste Transporters “engaging” in the business of picking up, transporting, or unloading of septic waste are not required to obtain a Certificate of Public Convenience & Necessity (CPCN) under the Solid Waste Utility Control Act; N.J.S.A. 48:13A-4.1.

However, as an ***exception*** to the “registration” exemptions under N.J.A.C. 7:26-1.8(b), Septic Waste Transporters are regulated as A-901 ***Licensed*** Solid Waste Transporters when their “engaging” operations involve the ***transportation of sewage sludge***. This means that an entity must receive an A-901 license *prior to hauling* septic waste.

3). Solid Waste Transporters operating in compliance with District Solid Waste Management Plan

N.J.A.C. 7:26-6.12(b)

Transporters of solid waste are responsible for complying with the applicable District Solid Waste Management Plan or plans covering the counties in which they operate. Some county plans mandate the facility to which waste must be delivered or place restrictions or other conditions on the transportation of solid waste in that county. For specific requirements, transporters should contact the Solid Waste Coordinator in the particular “county” for which they do business.

4). Placing or Parking of Roll-off Dumpsters or Roll-off Containers

N.J.S.A. 27:5I-1

The above-referenced New Jersey Statute governs where roll-off dumpsters or roll-off containers may be placed or parked on roadways, or along any highway or public property. Therefore, solid waste transporters should be aware that they must be in compliance with this statute when operating “roll-off dumpsters” or “roll-off containers”. For your convenience, the following guidelines for roll-off container markings also appear on our web site at www.nj.gov/dep/dshw/hwr/rolloff.htm:

Purpose

- To warn operators of vehicles traveling on public property that they are approaching parked roll-off containers, which require them to exercise unusual care in the operation of their vehicles.
- To promote traffic safety on highways or public property

Compliance

- Must have written consent to park or leave unattended roll-off dumpsters or roll-off containers on or along any highway or public property. Note: Written consent obtained from appropriate municipal, county or State authority having jurisdiction over the highway or public property in question.
- Display of yellow reflective diamond shaped markers/panels with a minimum size of 18 inches by 18 inches. Marker/panels must be mounted at both ends of dumpsters or containers nearest the path facing oncoming traffic.
- Mount marker/panel at the upper end of dumpster or container leaving a minimum height of 3 feet clear distance between bottom of marker/panel and bottom of roadway surface.

Penalties

- Violation of this statute carries a fine of not more than \$100 per violation.
- If there is a default on payment of fine, then imprisonment in the county jail may be imposed for a period of not more than 90 days.

Who should I contact with questions?

Bureau of Hazardous Waste Regulation, Licensing and Registration Unit, (609) 292-7081

Where can I get more information?

For additional information, you can access: <http://www.njleg.state.nj.us> (click on statutes).

5). Intermodal containers

N.J.A.C. 7:26-3.4(h); 3.5(f); 3.2; and 4.4(g)

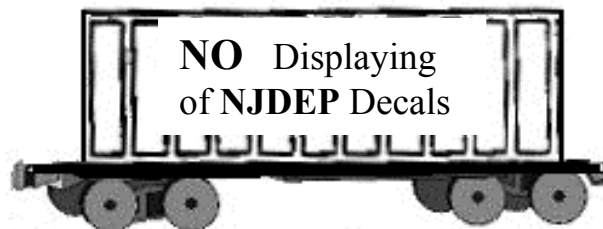
Intermodal containers used to transport solid waste ***solely by rail***, are exempt from displaying a solid waste decal, registration number, and registered company name but, these containers must still be registered with Department and associated fees must be paid. [See Figure below].

In an effort to be more consistent with the regulatory requirements set by the American Association of Railroads (AARM-930), the Department has chosen to have intermodal containers that transport solid waste ***solely by rail*** be exempt from ***displaying*** solid waste decals and registration numbers. This is being done because the Department has been informed that most containers of this type are used for “interstate” transportation of solid waste so, the requirement to “display” the decals would be of no environmental significance in *other* states. However, for tracking purposes, the Department’s enforcement program needs to know the total universe of solid waste transporter containers registered in New Jersey.

For the above reasons, even though the exemption is for the “displaying” of solid waste decals and registration numbers, the solid waste transporters must still register and pay the associated registration fees to the Department for their intermodal containers. **And**, solid waste transporters must clearly mark these containers with a unique number that is specific for each shipper as **required by the aforementioned railroad regulations**.

Solid waste transporters may purchase a copy of the AARM-930 railroad regulations by sending their requests to:

The American Association of Railroads
50 F. Street, NW
Washington, DC 20001



6). **A-901 *Exempt* waste Transporters with “passenger plates”**

N.J.A.C. 7:26-3.2(a)6; N.J.S.A. 39:3-8.1 and 39:3-20

The above-referenced solid waste regulations and New Jersey Statute state that in addition to the Department of Environmental Protection’s solid waste regulations, a waste transporter shall comply with all rules and regulations from the New Jersey Motor Vehicle Commission. Therefore, the following information will apply:

Regulatory Summary

A-901 Exempt waste Transporters who have “passenger plates” on the vehicle because they state that the vehicle will only be operated for “personal use”...



- may not use their “Non-commercial trucks” with “passenger plates” for any type of “commercial” transportation of waste



- may not bear any company names, lettering, nor advertising on the vehicle
- will not be registered to receive A-901 Exempt transporter decals from the Bureau of Hazardous Waste Regulation- Licensing and Registration Unit unless they can show proof of a state “commercial” motor vehicle registration

Purpose



- To ensure that owners/operators of “non-commercial” trucks who are engaging in “commercial” activities such as, the transportation of waste will be licensed at the same gross weight fees that are set forth for “commercial” trucks

Penalties



- Any A-901 Exempt waste Transporter can be fined by the New Jersey State Police if they are using a “non-commercial” truck with “passenger plates” while engaging in “commercial” activities such as, the transportation of waste

Who should I contact with questions?

You may contact Mr. Joe DeAngelis from the New Jersey Motor Vehicle Commission – Legal Affairs Office at (609)777-1408.

Where can I get more information?

The following web site can be accessed for additional information: <http://www.state.nj.us/mvc>

The above information may also be obtained from our web site at www.state.nj.us/dep/dshw “NOTICE NJ Transporters of Non-Commercial Trucks”.

-25-

7). A-901 *Exempt* waste Transporters operating in compliance with the New Contractors’ Registration Act and applicability under the New Home Warranty and Builders’ Registration Act

P.L. 2004, Chapter 16 c.56:8-136 to c.56:8-152; and N.J.S.A. 46:3B-1 et seq.

A-901 *Exempt* waste Transporters who do any home improvement work must be registered with the Department of Law and Public Safety- Division of Consumer Affairs (DCA) by December 31, 2005. The information below may be obtained from the DCA web site at www.state.nj.us/lps/ca/contractor.htm:

The Contractors’ Registration Act, signed into law in May 2004 and amended in November 2004, requires for the first time in this State, oversight of those who perform certain kinds of residential construction and also for some who provide certain services at the homes of New Jersey residents.

The law requires contractors engaged in the business of selling or making home improvements to register with the Division of Consumer Affairs by December 31, 2005.

Posted on the above-referenced Web site are [statutes and regulations](#) that identify the types of businesses that are considered to be home improvement contractors. It is your responsibility to determine, by a review of these references, whether you are required to register.

For your convenience, there is a link to the [application packet](#), which is also on the Web site. The packet contains a Home Improvement Application for Registration form, an instruction sheet, and a set of answers to frequently asked questions.

If you are required to register, you should complete and return the five-page application to the Department of Law and Public Safety-Division of Consumer Affairs (DCA) at the address on top of the application. And, the DCA has asked that you please attach proof of liability insurance. In addition, include the \$90 application fee for registration and the completed payment coupon. See the instruction sheet for information on completing the application and for a complete listing of documents that must be submitted along with the application.

Contractors whose applications are complete and approved will receive their Registration by mail. The Registration will be effective until December 31, 2006 and the Registration Number may be displayed in advertisements, on documents, and on vehicles.

Home improvement contractors should submit the completed application with payment and supporting documentation as soon as possible so that their application can be processed and a Registration issued before the December 31, 2005, deadline date.

Applications will be processed in the order in which they are received. Depending upon volume, applications received after September 1, 2005 might not be processed before the December 31, 2005, deadline date.

AFTER DECEMBER 31, 2005, CONTRACTORS WHO HAVE NOT RECEIVED REGISTRATION NUMBERS WILL NOT BE ALLOWED TO OBTAIN CONSTRUCTION PERMITS OR UNDERTAKE ANY HOME IMPROVEMENT WORK IN NEW JERSEY.

-26-

8). Regulations for Recyclable Materials:

a). What are the regulations governing recyclable material collection?

Each County, and in some cases each municipality, has its own requirements for the collection of recyclable materials. Recyclable materials are those designated by the county and/or municipality to be separated from the solid waste stream for mandatory recycling. They typically include materials such as glass bottles, aluminum cans, office paper, plastic bottles, etc. Transporters should contact their county and municipal recycling coordinators for specific recycling information.

b). Do transporters of recyclable materials need to register their vehicles with DEP?

N.J.A.C. 7:26A-1.3, 6.6, and 7.4

The Department does not require transporters who haul only traditional source **separated recyclable materials** (and no solid or hazardous waste) to register their vehicles. However, transporters that haul mixed loads (i.e. **solid waste mixed with recyclable materials**), are regulated as solid waste transporters and **must be registered**. Additionally, transporters of used oil and universal waste are subject to additional regulation, including in some cases, registration.

c). Can solid waste be mixed with recyclable materials for transport?

N.J.A.C. 7:26H-4.4(a)6 and N.J.S.A. 13:1E-99.16

Transporters are prohibited from collecting commingled loads of solid waste and source separated recyclable materials, except in those instances where a specific municipal exemption has been granted to the generator. These generators must have a written exemption letter from the municipality in which they reside and their waste must be transported to a facility which has received a permit from the Department to separate recyclables from solid waste. This type of processing facility is called a Materials Recovery Facility.

d). What are the reporting requirements for the transport of recyclable materials?

N.J.A.C. 7:26A-8.1

The Department requires transporters that haul source separated recyclables materials-out of-state to provide the county or counties of origin (if requested) and all municipalities of origin, by February 1 of each year, a recycling tonnage report covering all such source separated materials transported the previous calendar year. Some counties and/or municipalities may have additional reporting requirements for transporters of recyclable materials in their respective recycling ordinances.

-27-

◆ Transporter Forms and Regulations for solid waste hauled directly to an out-of-state facility from any county that does not have an in-county weighing facility

N.J.A.C. 7:26-3.5(e) and (f)

◆ Used Oil Transporters under Recycling RulesN.J.A.C. 7:26A1.3 and 6.6

DEP Contact Person:

Bureau of Recycling and Planning
Recycling Unit

Ray Worob _____ Telephone Number 609.984.3438

* * * * *

◆ Medical Waste regulationsN.J.A.C. 7:26-3A.8(b); 7:26-3A.16; 7:26-3A.27-37

DEP Contact Person:

Bureau of Resource Recovery and Technical Programs
Technical Assistance Unit

Kevin Kinckle _____ Telephone Number 609.984.6985

* * * * *

◆ Solid Waste Utility Control Act & rules for a (CPCN) N.J.S.A 48:13-1 et seq.

DEP Contact Person:

Solid Waste Regulation
Economic Regulation Unit

Mike DeTalvo _____ Telephone Number 609.984.2080

* * * * *

◆ Asbestos/asbestos containing waste N.J.A.C. 7:26-3.5(d)

DEP Contact Person:

Bureau of Resource Recovery and Technical Programs
Technical Assistance Unit

Kevin Kinckle _____ Telephone Number 609.984.6985

* * * * *

◆ Universal Waste Transporters under Recycling RulesN.J.A.C. 7:26A-1.3and7.4

DEP Contact Person:

Bureau of Landfill & Recycling Management
Robin Heston _____ Telephone Number 609.984.6650

-28-

Hazardous Waste Regulation

When does a "hazardous waste" transporter become regulated in New Jersey?

What is a "hazardous waste" ?

N.J.A.C. 7:26G-5.1

A "hazardous waste" is identified as a "F", "K", "P", or "U" *listed* waste. A solid waste becomes a "hazardous waste" when it exhibits any of the characteristics that are specified in the Federal Regulations on Listing of Hazardous Waste (40 C.F.R. Part 261). The general "characteristics of hazardous waste" include, but are not limited to, the following: a). characteristic of ignitability; b). characteristic of corrosivity; c). characteristic of reactivity; and d). toxicity characteristic.

What requirements and waste codes apply to transporters of hazardous waste ?

N.J.A.C. 7:26G-7.1 and 7.3(a)l; 40 C.F.R. Part 263.11

In order for a hazardous waste registration application to be approved by the Department, the hazardous waste transporter is required to do the following:

- a). complete a Vehicle Registration statement with a "Motor Carrier Insurance for Public Liability (MCS-90) Form";
- b). obtain an EPA Identification Number; **and**
- c). have a completed Hazardous Waste "Manifest" Form in the vehicle with the appropriate Emergency Response Telephone number.

In accordance with the Federal hazardous waste regulations (40 C.F.R. Part 263), a hazardous waste transporter may transport the following "*waste codes*":
"D" "F" "K" "P" or "U".

Therefore, in addition to completing a hazardous waste transporter registration statement, a hazardous waste transporter **cannot accept hazardous waste** from a generator and **cannot haul hazardous waste** to a facility without the following:

- 1). an EPA Identification number; **and**
- 2). a completed Manifest Form which accompanies the hazardous waste

-29-

In accordance with N.J.A.C. 7:26-16.3(d), there are two regulatory categories of Hazardous Waste haulers. This distinction is based upon whether or not a hazardous waste transporter is a government entity, a transporter hauling his/her own self-generated waste, or a transporter hauling hazardous waste that has been generated by another person. If a hazardous waste transporter is a government entity or a self-generator of hazardous waste, then the transporter is "Exempt" from filing "Disclosure Statements" which then exempts the transporter from being subject to the "Solid and Hazardous Waste Licensing" requirements and an "Integrity Review". The hazardous waste transporters who meet the criteria of being either a government entity or a self-generator are known as "**A-901 Exempt Hazardous Waste haulers**". These haulers are "exempt" from filing Disclosure Statements; and therefore, they Do NOT receive a license because they are subject to lower regulatory standards than licensed Hazardous Waste Transporters.

Any Hazardous waste transporter wishing to engage or continue to engage in the collection, transportation, and/or disposal of any hazardous waste generated by another person(s) must file a Disclosure Statement in accordance with N.J.A.C. 7:26G-7.2(a)4 and 7:26-16.3 so that the transporter may obtain a "license" as defined at N.J.A.C. 7:26-16.2. Only those hazardous waste transporters who have filed their Disclosure Statements, met the Hazardous Waste Licensing requirements, and passed an Integrity Review by the New Jersey State Police and Attorney General's Office receive an approved "license" to transport hazardous waste in New Jersey. These

haulers have obtained a "license" and therefore are known as "**A-901 Licensed Hazardous Waste haulers**" because they have been subject to higher regulatory standards than exempt Hazardous Waste Transporters.

Examples:

- 1). An Applicant is a chemical manufacturing facility that generates hazardous waste and operates its own truck fleet. If the Applicant also operates as a Transporter of this waste, then the department would classify the Transporter-Applicant as a **VALID "A-901 Exempt Hazardous Waste hauler"**.

Must have ***cross-hatched/striped*** A-901 **EXEMPT** Hazardous Waste Decals displayed

- 2). An Applicant is a general contractor who places his/her hazardous waste containers on a clean-up site while allowing **strangers**, other workers, and/or non-employees to ***generate*** Federal hazardous **waste** through their remediation of that site. If Applicant then wishes to come back to the site after a certain period of time to collect and transport the containers of hazardous waste which was created by others, then the Department would classify the Applicant as NOT being an "exempt" transporter; and therefore, an **Invalid** "A-901 Exempt Hazardous Waste hauler". Note: In the above example, the hauler must be a fully *licensed* hazardous waste hauler in order to transport strangers' waste.

Must have ***solid*** colored A-901 **LICENSED** Hazardous Waste Decals displayed

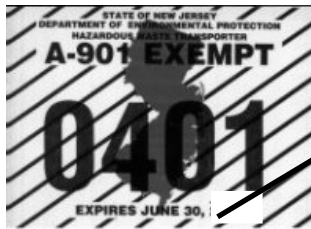
-30-

Hazardous waste transporters who are in the business of collecting and transporting hazardous waste **must** ask themselves the following questions:

First Question:

Did I create this waste all by myself? YES or NO

If the answer is YES, **I myself created this waste**,
then I am an A-901 EXEMPT Hazardous Waste Transporter.



I must be displaying the above ***single cross-hatched*** EXEMPT Hazardous Waste Decals with State insert

Second Question:

Was this waste created by another person? YES or NO

If the answer is YES, **another person created this waste** and I am only transporting it, then I am not an A-901 Exempt Hauler but, an A-901 licensed Hauler.



I must be displaying the above ***solid colored*** LICENSED Hazardous Waste Decals with the State insert

-31-

Hazardous Waste Registration

Fees and Registration for Hazardous Waste Transporters

N.J.A.C. 7:26G-3.3(g)

a). Fee schedule

Because of the recent July 19, 2004 court decision from the New Jersey Supreme Court Appellate Division, the registration and fee schedule for Hazardous Waste Transporters' vehicles will be done in a manner that is different than what has been traditionally done by the Department. Instead of the registration of hazardous waste transporters involving a decal with an associated fee for the type and number of vehicles registered (i.e. cabs and transport units), the Department is proposing in recent rulemaking, to collect a fee in proportion to the amount of waste "per ton" transported. This will result in a hazardous waste transporter "fee" that will no longer be associated with the type and number of vehicles registered, but with the amount of waste material transported. American Trucking Associations, Inc. v. State of New Jersey, 713 A.2d 497 (1998).

The Department is proposing to have a hazardous waste transporter's fee be associated with the amount of waste "per ton" transported in or out of the State because, restructuring the "fee" schedule in this manner according to the court

decision, will more accurately reflect the transporter's presence and/or "**activity**" in the State of New Jersey. American Trucking Associations, Inc. v. Scheiner, 483 U.S. 266, 97 S.Ct. 2829 (1987).

b). Vehicle Registration and Issuance of Decals

The Department is also proposing through rulemaking, to continue a registration period for the issuance of decals, but the decals will be used for identification purposes only. As a result of this identification process, the hazardous waste decals, which will be displayed on the vehicles and transport units, will benefit the transporting companies because these decals will continue to represent to the consumer and the disposal facility that the company's hazardous waste transporter registration is current and has been identified by the Department as a valid hazardous waste transporting company. Therefore, failure to submit an updated registration statement by May 1, or an updated disclosure statement by March 1, will be sufficient cause for the Department to **revoke** the hazardous waste transporter's approved **registration** or **withhold** the hazardous waste transporter **decals**. [N.J.A.C. 7:26G-7.2(a)6; 7:26-16].

-32-

No transporter can engage or continue to engage in the transportation of hazardous waste in the State of New Jersey without first obtaining an approved registration statement from the Department. Any registered hazardous waste transporter must notify the Department in writing within 30 days of any change in the information supplied on its current registration statement, or on any leases submitted for registered vehicles, cabs, trailers, containers, or transport units, or on any leased operators of equipment. [N.J.A.C. 7:26G-7.2(a)7].

If a Hazardous waste transporter is driving "directly" through New Jersey and neither collects nor disposes of waste within our State borders, then the transporter need not be registered under the New Jersey hazardous waste transporter rules and regulations (N.J.A.C. 7:26G-7.2(a)16). However, other than a vehicle's mechanical breakdown or operators mandatory rest periods in accordance with the Federal DOT regulations and N.J.A.C. 7:26G-7.2(a)16i and ii; respectively, driving "directly" through the State means the transporter is driving with no stopovers, no dropping off, nor switching of containers while in New Jersey.

By May 1, all hazardous waste transporters must submit to the Department a registration statement updating the information contained in the previous registration statement. [N.J.A.C. 7:26-3.2(d)]. Unless the transporters are "Exempt", any transporter who files an application for an approved registration statement must also submit an Annual Update "Disclosure Statement". [N.J.A.C. 7:26G-7.2(a);7:26-16.4].

***Litigation Note:** The Department is currently prohibited from collecting hazardous waste transporter fees. However, once there is a final Rule, the Department will begin reviewing hazardous waste transporter registration statements and collecting fees based upon the new “per ton” fee structure. American Trucking Associations, Inc. v. State of New Jersey, 713 A.2d 497 (1998).

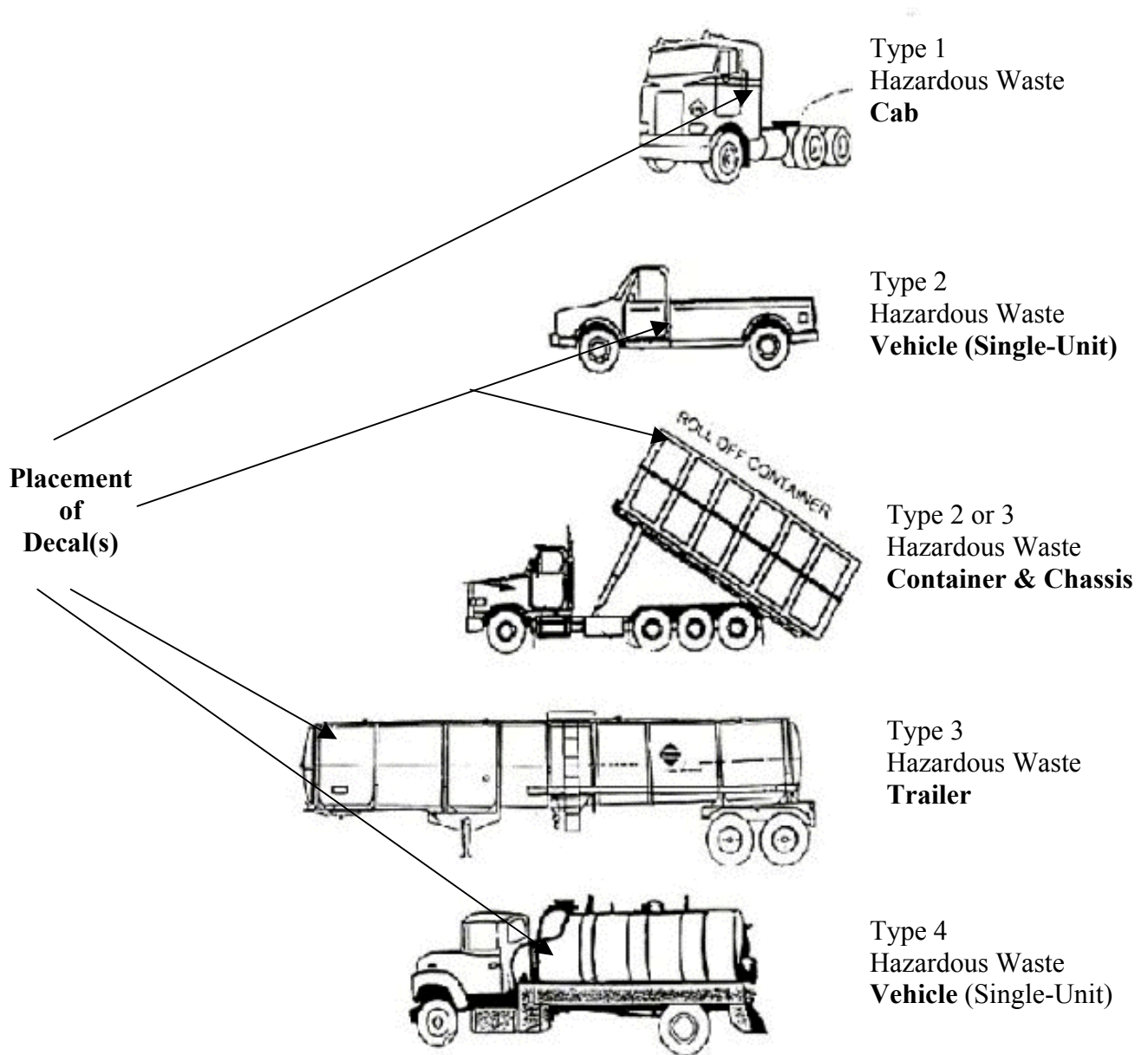
c). Biennial Registration Period

The Department is proposing through rulemaking, that all hazardous waste transporters pay an “annual” fee based on “per tons” of hazardous waste the company transported in each full calendar year of the previous year of the registration period. The number of tons would be the amount reported as transported (originating from or delivered to New Jersey facilities) through the hazardous waste manifest system.

Summary: the Department is proposing to have the transporters pay an *annual fee* for a *biennial registration period*. Hence, when the Department resumes collection of hazardous waste transporter fees, the *registration period* will be considered *biennial* while the fees will be collected *annually*. Therefore, on each odd numbered year, the *annual fee* shall accompany the submission of the *biennial registration application*. And, any hazardous waste vehicle registrations not renewed by May 1st will be determined expired.

-33-

What are the Hazardous Waste Vehicle Types and Where do I place the Decals?



-34-

What are the Lease Certification Requirements

N.J.A.C. 7:26G-7.2(a)11 - 15

When leasing any equipment or vehicle operators for the transportation of solid waste, **a copy of the Lease Agreement and the "Certification" Form must** accompany the hazardous waste transporter registration renewal form. For your quick review, a sample of the Department's Certification Form is provided below:

NJDEP Number _____
New Jersey Department of Environmental Protection
Division of Solid and Hazardous Waste - Bureau of Hazardous Waste Regulation
CERTIFICATION

1. I certify that I am the _____ of _____ and I am authorized
TITLE NAME OF LICENSEE, PERMITTEE, OR EXEMPT TRANSPORTER
to make this certification/affidavit on behalf of _____, and that I have personal knowledge
NAME OF LICENSEE, PERMITTEE, OR EXEMPT TRANSPORTER
of the facts set forth below. N.J.A.C. 7:26-3.2(i)7[i]1 and N.J.A.C. 7:26G-7.2(a) 12.
2. The Lease filed by me as part of the registration statement for the equipment,
Vehicle type _____, VIN/Serial No. _____,
Issued by the State of _____, License Number _____,
contains the true terms of the Lease and has a bona fide business purpose and is not filed with the purpose of preventing the discovery of information
which would disqualify, for any reason set forth N.J.S.A. 13:1E-133, the lessor or any other person from receiving a license. N.J.A.C. 7:26-3.2(i)7[i]2
and N.J.A.C 7:26G-7.2(a)12.
3. I further certify that my company and I understand that it must exercise exclusive use, possession and control over each piece of equipment
which is included in the NJDEP registration statement; and such equipment is used to transport solid and/or hazardous waste. N.J.A.C. 7:26-
3.2(i)7[i]3 and N.J.A.C 7:26G-7.2(a)12.
4. I further certify that my company and I understand that it must take reasonable measures to ensure that the above described equipment will not ,
during the period of this lease, be used by any other person for the purpose of transporting solid and/or hazardous waste. N.J.A.C. 7:26-
3.2(i)7[i]4 and N.J.A.C 7:26G-7.2(a)12.
5. My company and I understand that the above-described equipment is or will be under exclusive management, direction and control of
Permittee, Licensee, or Exempt Transporter while being used to conduct solid and/or hazardous waste activities for Permittee, Licensee, or Exempt
Transporter. N.J.A.C. 7:26-3.2(j) and N.J.A.C 7:26G-7.2(a)13.
6. My company and I understand that for purposes of solid and/or hazardous waste activities and to the extent provided for under New Jersey law,
my company will be responsible for the actions and omissions of their lessors and their vehicle operators, and for selecting lessors and vehicle
operator with appropriate qualifications. N.J.A.C. 7:26-3.2(l).
7. My company and I understand that, when the NJDEP issues decals to Permittee, Licensee, or Exempt transporter for affixation to the solid
and/or hazardous waste vehicle(s) of a lessor, from which the permittee, licensee, or exempt transporter is leasing solid and/or hazardous waste, the
permittee, licensee, or exempt transporter to which the lessor has leased solid and/or hazardous waste vehicles, and the lessor itself are under
independent obligations to notify the Department, return the NJDEP registration certificate to the Department and remove and destroy the
NJDEP registration number and decals from the solid and/or hazardous waste vehicles of the lessor at the expiration and non-renewal of the lease
pursuant to which decals were issued; and such decals shall be deemed expired. When used for solid and/or hazardous waste transportation
purposes, such vehicles may only be used pursuant to the lease, and in compliance with all requirements of N.J.A.C. 7:26-3.2 and, if used in
transporting hazardous waste, 7.26G-7.2. N.J.A.C.7:26-3.2(k) and N.J.A.C.7:26G-7.2(b)6ii..
8. My company and I understand that reasonable measures must be taken to remove and destroy expired decals and registration
numbers after the expiration and non-renewal of the lease; and failure to do so may constitute a violation and may subject both the
lessor and the Permittee, Licensee, or Exempt Transporter to penalties and licensing action. N.J.A.C. 7:26-3.2(k)1 and N.J.A.C.
7:26G-7.2(b)6ii.
9. The TERM of the attached Lease BEGINS at _____ and TERMINATES at _____
TIME, MONTH, DAY, YEAR TIME, MONTH, DAY, YEAR
If usage during the term is intermittent, occasional, or on an "as needed" bases, please explain:

What other requirements regulate Hazardous Waste Transporters?

1). Filing "Manifests"N.J.A.C. 7:26G-6.2, 7.1 and 7.3(a)l

DEP Contact Person:

Bureau of Hazardous Waste Regulation
Manifest Unit

Ferdinand Scaccetti _____ Telephone Number 609.292.7081

2). Filing "Motor Carrier Policies of Insurance for Public Liability" (MCS-90) Form

DEP Contact Person:

Bureau of Hazardous Waste Regulation
Registration and Licensing Unit

Louis Casadei _____ Telephone Number 609.292.7081

3). Statutory requirements if transporting "precious metals" to a hazardous waste facilityN.J.S.A. 13:1E-127g(5)

DEP Contact Person:

Bureau of Hazardous Waste Regulation
Registration and Licensing Unit

Louis Casadei _____ Telephone Number 609.292.7081

4). Hazardous Waste ClassificationsN.J.A.C. 7:26 G-6.2

DEP Contact Person:

Bureau of Resource Recovery and Technical Programs
Technical Assistance Unit

Charles D'Amico _____ Telephone Number 609.984.6985

As the author, I would like to give my heartfelt thanks to the following people for helping me with the ***Transporters' Quick Access Guide Book*** for this year:

Norine Binder
Division of Solid and Hazardous Waste (DSHW)- Director
Site Remediation and Waste Management Program

John Castner
Division of County Environmental and Waste Enforcement - Director
Compliance and Enforcement Program

Bruce Sirak
Printing Office
Management and Budget Program

Annette Smith
DSHW-Registration Unit

This technical Transporter regulatory manual continues to be made available to the solid and hazardous waste transporters and the general public only because of all of your efforts; and I truly thank you for working with me to make our fourth publication a success.

Sincerely,
Rita L. Thornton, J.D., Ph.D.(c)